3. misdemeanor, and on conviction thereof, shall be punished by a fine of not less than
ten dollars ($10) nor more than one hundred dollars ($100) for each offense.

Section 16. The common council of said city shall, in making their annual estimates
and levying for the expenses of the city government, estimate and provide such sums
as may be necessary for the compensation of such officers and all other employes which
the said board of health are authorized to appoint by this chapter, and for all other
necessary expenses incurred by said board in the performance of the duties prescribed
in this chapter and such expenses shall be audited and allowed and paid as other ex-
penses of said city.

Section 17. The common council of the city of Menasha shall have power to further
define the duties of the board of health, and to pass such ordinances in aid of the pow-
ers of the board of health as may tend to promote and secure the general health of the
inhabitants of said city.

Section 18. It shall be the special duty of the members of the police force of said
city, and of all magistrates and civil officers, and all citizens of the state to aid, to the
utmost of their power, the board of health and the officers mentioned in this chapter,
in the performance of their respective duties, and on requisition of the president of said
board of health officers, it shall be the duty of the police of said city to serve the notices
of said board, and to perform such other duties as such board may require.

CHAPTER 14.

BONDED INDEBTEDNESS.

Section 1. The outstanding and existing indebtedness against the town of Menasha
upon the unpaid bonds, with the coupons attached, heretofore issued by said town of
Menasha to the Wisconsin Central railroad company and the Milwaukee & Northern
railroad company, shall be apportioned between said town and city in the ratio of one-
fourth (\(\frac{1}{4}\)) to said town and three-fourths (\(\frac{3}{4}\)) to said city, and shall be paid by said town
and city in such pro rata shares; provided, said city shall not be required to pay any
portion of such bonded indebtedness where it has already provided and paid its pro-
rata share thereof, or to pay any larger proportion of said coupons so attached to
said bonds than the proportion herein above named, and upon the payment of the same
shall be discharged from any further liability or payment upon said coupons, and all
sums heretofore paid by said city on said coupons shall be credited to said city in discharge of its obligations. And the said town and city of Menasha shall respectively provide for the payment of, and pay their and each of their pro rata shares of such indebtedness as aforesaid, which remains unpaid, and a legal obligation upon said town and city to pay at all times, when and as the same shall become due and payable, and each one of said corporations, town and city, shall be liable to the other for all costs and damages incurred by either one, in consequence of the failure of the corporation to provide for and pay its pro rata share of indebtedness as aforesaid.

Section 2. If the said town of Menasha shall fail to provide for, and pay its pro rata share of any of the aforesaid bonded indebtedness, for any cause whatever, and the said city of Menasha shall have provided for or shall provide for, and be ready and willing to pay its pro rata share of such indebtedness, the said town of Menasha shall be liable to the city of Menasha for all costs and damages which it may sustain by reason of the non-payment by said town of its share of such indebtedness, and shall, alone defend any and all suits, actions or proceedings that may be instituted in any court against said town as sole defendant, or against said town and city as joint defendants, or against said city as sole defendant, to enforce payment of the same, and shall save said city harmless from any and all costs, damages and judgments, and from payment of any sum whatever, arising or growing out of the same.

Section 3. If the said city of Menasha, shall fail to provide for and pay its pro rata share of any of the aforesaid bonded indebtedness, for any cause whatever, and the said town of Menasha shall have provided for, or paid, or shall provide for, and be ready and willing to pay its pro rata share of such indebtedness, the said city of Menasha shall be liable to the town of Menasha for all costs and damages which it may sustain by reason of the non-payment by said city of its pro rata share of such indebtedness and shall alone defend any and all suits, actions or proceedings that may be instituted in any court against said town as sole defendant, or against said town and city as joint defendants, to enforce payment of the same and shall save said town harmless from any and all costs and damages, and judgments, and from the payment of any sum whatever arising or growing out of the same.

Section 4. If any of the aforesaid bonded indebtedness of said town shall not be paid at maturity, the holder of the same may institute and maintain any joint action suit or proceeding against said town and city, to enforce payment thereof, and each shall be liable for its pro rata share of the costs and expenses incurred therein; provid-
ed, that if either said town or city shall have before any such action or proceeding shall be commenced, purchased, paid or taken up its pro rata share of any such bonded indebtedness, or if it shall after suit is commenced and before judgment, tender to the person owning and holding any of said bonds or coupons, its pro rata share of the amount due thereon if tendered before suit commenced, and if after suit commenced, its pro rata share of the amount due thereon and costs incurred in said action up to the time of said tender, and if said tender shall be refused, no action shall be maintained against the party making said tender, when the same was made before suit commenced; and when made as aforesaid after suit commenced, shall be dismissed as to the party making said tender. Or either party may pay to the plaintiff in any such action after judgment, or to the clerk of the court in which judgment may be rendered, its pro rata share of said judgment as herein provided, and upon such payment being made, such judgment shall be discharged, as to the party making said payment. The said party making said tender or said payment as aforesaid, shall not be liable to the party making no tender or payment for any costs or proceedings in said action.

Section 5. In all cases where certificates of appropriation or interest bearing orders have heretofore been issued to borrow money, to purchase and take up any such bonded indebtedness, under and in pursuance of the laws incorporating said city and the several amendments thereto, and which were provided to be paid by a special tax to be levied in each year specified in the resolution authorizing the issuing of the same, the said common council may, and it is hereby made its duty to levy a special tax or taxes to pay the same, according to the terms of such resolution and said certificates of appropriation, whenever the same or any portion thereof shall become due. Said special tax or taxes may be levied at any time, and shall be assessed and levied upon the last equalized assessment of the real and personal property of said city, previous to the levying of any such special tax. And immediately after the said special tax shall be levied as aforesaid, the clerk of said city shall assess and make out upon a tax roll made from such assessment, such tax in the same manner as provided by law for the assessing, calculating and making out taxes in other cases; and upon completion of said tax roll, the said clerk shall immediately make out a duplicate copy of such tax lists or roll to which shall be appended a warrant as provided in and by the charter of said city, so far as the same shall be applicable, signed by the mayor and clerk of said city, and sealed with the corporate seal of said city, and shall deliver said tax list and warrant to the treasurer of said city, and thereupon such treasurer shall, at once, proceed to collect
the taxes and assessment specified and made out in such tax list, in the same
manner as provided for the collection of taxes in other cases, and shall be
possessed of the same powers and rights. And he shall have for collecting such taxes
one per cent. for ten days from the date of the warrant, and two per cent. thereafter.
Such warrant shall be returnable to the county treasurer of Winnebago county, in forty
days from its date, and at the expiration of such time, the treasurer of said city shall
return such tax list and warrant to said county treasurer, with a list of all lands, lots
and personal property upon which the taxes have not been paid, with the taxes as-
sessed thereon, and all such taxes not then collected and so returned to the county
treasurer shall draw interest after such return at the rate of twenty per cent. per an-
um up to the day of the sale of lands for taxes. And provided any such tax may be
paid prior to such sale, by paying the amount of such tax with interest at the rate of
twenty per cent. per annum and two per cent. for collection, and all costs thereon to
that date. And the county treasurer shall possess the same powers and rights in col-
lecting such taxes so returned as in other cases, and shall proceed to advertise and sell
all lands on which such taxes shall remain unpaid, at the same time, and in the same
manner, and with the same effect, as provided by law for the sale of lands for taxes,
and all such taxes returned to the county treasurer and collected by him shall be, by
him, paid over to the treasurer of said city with the interest collected thereon.

Section 6. The common council of said city may, by resolution, passed by a ma-
jority of all the members of said council, assess and levy said special taxes at the same
time and in the same manner as other annual city, school, state and county taxes are
assessed and levied, and determine that said special taxes shall be inserted for col-
lection in the annual tax roll of said city as other taxes. And upon the passage of
said resolution, the city clerk shall make out and calculate said special taxes and insert
the same in a separate column, in said annual tax roll for collection to be collected at
the same time and in the same manner as other taxes in said roll. All the laws of
the state, relative to the collection and return of taxes, and the sale of lands for the
non-payment of the same, shall govern and apply to the collection and return of
said special taxes and the sale of lands for the non-payment of the same, as herein pro-
vided for.

Section 7. Nothing herein contained shall render said city of Menasha liable upon
any such bonded indebtedness, either as principal or interest, where it has already paid
its pro rata share of such indebtedness, and no action thereon shall be commenced or
maintained against said city of Menasha, but provided that this act shall not affect
any suit commenced or pending by the town of Menasha against any of the holders of
such bonded indebtedness, to determine its validity, but said city of Menasha shall not
be liable for any costs therein, when it shall have provided, taken up, or paid its pro
rata share of such indebtedness.

CHAPTER 15.

MISCELLANEOUS PROVISIONS.

Section 1. No person shall be an incompetent judge, justice, witness or juror by
reason of his being a resident or freeholder of the city of Menasha, in any proceeding
or action in which the city shall be a party in interest.

Section 2. All ordinances, by-laws, rules or regulations now in force in the city of
Menasha, and not inconsistent with this act, shall remain in force under this act until
altered, modified or repealed by the common council after this act shall take effect.

Section 3. All property, real or personal, now or at any time hereafter belonging to
said city, or to either of the wards thereof, or any department thereof, shall be exempt
from levy and sale under, and by virtue of any execution; nor shall any real or per-
sonal property of any inhabitant of said city, or of any individual or corporation there-
of, be levied on or sold under, or by virtue of, any execution issued to satisfy or collect
any debt, obligation or contract of said city.

Section 4. The said city may lease, purchase and hold real or personal estate,
sufficient for the public use, convenient or for necessities of said city, and may improve,
sell and convey the same. All property, real and personal or mixed belonging to the
city of Menasha, shall be and continue to be, vested in the corporation created by this act.

Section 5. No general laws of this state contravening the provisions of this act, shall
be considered as repealing, amending or modifying the same, unless such purpose be ex-
pressly set forth in such law.

Section 6. Chapter 127 of the general laws of the state of Wisconsin, for the year
1874, and the several acts amendatory thereof, and all acts and parts of acts relating to
the government of said city, inconsistent with or contravening the provisions of this act
are hereby repealed; provided, the repeal of said acts shall not revive any acts or parts
of acts heretofore repealed, and shall not in any manner affect, injure or invalidate any